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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-14

13 **BRANDEE LAVONNE GRAY AKA**
14 **BRANDEE LAVONNE HODGES GRAY**
2308 W. Lakeview Drive
Benton, Arizona 72015

A C C U S A T I O N

15 Registered Nurse License No. 669880

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 2. On or about November 29, 2005, the Board issued Registered Nurse License Number
24 669880 to Brandee Lavonne Gray aka Brandee Lavonne Hodges Gray aka Brandee Lavonne
25 Hodges Gray ("Respondent"). Respondent's registered nurse license expired on February 28,
26 2007.

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STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action . . .

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Disciplinary Action by the Arkansas State Board of Nursing)

7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Arkansas Board of Nursing ("Arkansas Board"), as follows: On or about October 13, 2011, pursuant to the Order for Voluntary Surrender in the disciplinary action titled "In the Matter of:


1 Brandee LaVonne Hodges Gray; RN License No. R54375", the Arkansas Board accepted the
2 voluntary surrender of Respondent's license to practice as a registered nurse in the state of
3 Arkansas. The disciplinary proceeding was based on the following: On or about December 13,
4 2010, in Saline County Circuit Court, Arkansas, Case No. CR2010-579-2, Respondent was
5 convicted of possession of Cocaine, a Class "C" felony, and DWI (driving while under the
6 influence of alcohol), a misdemeanor. A true and correct copy of the Order for Voluntary
7 Surrender and the related documents are attached as Exhibit A and incorporated herein.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 669880, issued to
12 Brandee Lavonne Gray aka Brandee Lavonne Hodges Gray;
- 13 2. Ordering Brandee Lavonne Gray aka Brandee Lavonne Hodges Gray to pay the
14 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
15 case, pursuant to Business and Professions Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: July 5, 2012

for 
19 LOUISE R. BAILEY, M.ED., RN
20 Interim Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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EXHIBIT A

Order for Voluntary Surrender

**ORDER FOR
VOLUNTARY SURRENDER**

IT IS SO ORDERED that the Board hereby accept the voluntary surrender of RN License No. R54375 and Privilege to Practice in Arkansas, granted to Brandee Lavonne Hodges Gray.

A written request and appropriate documentation must be submitted to the Board's General Counsel for consideration of reinstatement. Documentation requirements will vary dependent on each Respondent's circumstance. Appropriate documentation includes but is not limited to medical, employment and criminal records.

Nurses reinstating a nursing license to active status after the expiration date of the current license shall document completion of continuing education as required by the Board. On the backside of this form, please explain the reason for your voluntary surrender.

Respondent may apply for reinstatement of said license after one (1) year provided there are no other violations of the Nurse Practice Act.

SUBMIT YOUR LICENSE WITH THIS FORM if the issuance date is prior to July 1, 2011.

Brandee Gray 10-11-11
Respondent Signature Date

ARKANSAS STATE BOARD OF NURSING

By: Sue A. Tedford
Sue A. Tedford, MNSc, RN, Executive Director

Dated: October 13, 2011

Please note:
I now have a change of address
to 25878 I-30 North
Bryant, AR 72022

Brandee Gray



ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800, University Tower Building, Little Rock, AR 72204
Phone: (501) 686-2700 Fax: (501) 686-2714 www.arsbn.org

Sue A. Tedford, MNsc, RN
Executive Director

Fred Knight
General Counsel

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North Little Rock

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El Dorado

Doris Scroggin, RN
Vilonia

Cathleen Shultz, PhD, RN
Searcy

TO: Brandee LaVonne Hodges Gray

FROM: Phyllis DeClerk, R, LNCC
Director of Nursing Practice

DATE: October 20, 2011

RE: Disciplinary Hearing

You should read the enclosed Order and Notice of Hearing carefully as it may affect your right to practice nursing in the State of Arkansas.

At the hearing you may present witnesses and/or documentary evidence in your defense. You will be permitted to cross-examine the Board's witnesses. In order to expedite the hearing, please have your exhibits marked, copied (15 collated copies), and at the Board office **no later than October 25, 2011**. In addition, send a list of your witnesses to the Board office. If you cannot have the exhibits prepared by this date, you may bring 15 collated copies to the hearing.

You may be represented by an attorney. If you choose to be represented by counsel, please ask your attorney to contact Mr. Fred Knight. Mr. Knight is the Board's general counsel and can be reached by telephone at (501) 686-2700.

BRING YOUR ARKANSAS NURSING LICENSE TO THE HEARING.

If you have questions concerning the Order or the hearing, please contact me.

BEFORE THE ARKANSAS STATE BOARD OF NURSING

IN THE MATTER OF:

BRANDEE LaVONNE HODGES GRAY

RN LICENSE NO. R54375 (EXPIRED)
BAR

ORDER AND NOTICE OF HEARING

The Arkansas State Board of Nursing (hereinafter referred to as "the Board"), by and through its General Counsel, William F. Knight, has determined that there is sufficient evidence to charge, and hereby does charge, Brandee LaVonne Hodges Gray, Registered Nurse (hereinafter referred to as "Respondent"), a licensed nurse in the State of Arkansas, with a violation of Ark. Code Ann. §17-87-309(a)(2), (a)(4) and (a)(6) and Ark. Code Ann. §17-87-312(e)(18). These charges are based upon the following facts and allegations:

1. Respondent is licensed as a Registered Nurse and holds license number R54375 (expired).
2. On or about December 13, 2010, in the Circuit Court of Saline County, Arkansas, the Respondent was found guilty of Possession of Cocaine, a Class "C" Felony and DWI, a Class "A" Misdemeanor. The Respondent was placed on probation for thirty-six (36) months with conditions.
3. The finding of guilty for the Possession of Cocaine is a BAR to the practice of nursing in Arkansas.
4. Board staff have attempted to contact the Respondent.

The Board has determined that it should conduct a hearing to determine whether the Respondent's license and privilege to practice nursing should be placed on probation, suspended or revoked and whether Respondent should be fined pursuant to Ark. Code Ann.

IN THE MATTER OF:

BRANDEE LaVONNE HODGES GRAY

RN LICENSE NO. R54375 (EXPIRED)
BAR

§17-87-104(b)(1). Therefore, pursuant to Ark. Code Ann. §17-87-309(a)(2), (a)(4) and (a)(6) and Ark. Code Ann. §25-115-201 *et seq.*, notice is hereby given that a formal hearing relative to the charges set forth herein will be held **Thursday, November 10, 2011, at 8:30 a.m.**, in the Board Room of the Arkansas State Board of Nursing, University Tower Building, Suite 800, 1123 South University Avenue, Little Rock, Arkansas.

Respondent may be heard in person or by counsel and may offer witnesses and/or documentary evidence in defense of the charges herein set forth as she may reasonably desire. Respondent's failure to appear at the designated time and place may result in the immediate suspension or revocation of her license to practice nursing.

Respondent has the option to voluntarily surrender her license to practice nursing in lieu of a hearing. However, Respondent must request a hearing before the Board prior to having her license reinstated. If Respondent chooses to surrender her license, her license must be received by the Board within ten (10) days upon receipt of the Order and Notice of Hearing.

IT IS SO ORDERED this 20th day of October, 2011.

IN THE MATTER OF:

BRANDEE LaVONNE HODGES GRAY

RN LICENSE NO. R54375 (EXPIRED)
BAR

ARKANSAS STATE BOARD OF NURSING

BY:

WILLIAM F. KNIGHT, AR Bar No. 85086
ASBN General Counsel

PHYLLIS DeCLERK, RN, LNCC
ASBN Assistant Director
University Tower Building, Suite 800
1123 South University Avenue
Little Rock, Arkansas 72204
(501) 686-2700

IN THE MATTER OF:

BRANDEE LaVONNE HODGES GRAY

RN LICENSE NO. R54375 (EXPIRED)
BAR

CERTIFICATE OF SERVICE

I, Phyllis DeClerk, ASBN Assistant Director, do hereby certify that I have served a copy of the foregoing pleading by mailing a copy of same by certified, return receipt requested, U.S.

Mail, postage prepaid, this 20th day of October, 2011; to the following:

Brandee LaVonne Hodges Gray
105 Summerwood Drive
Benton, AR 72019

PHYLLIS DeCLERK, RN, LNCC